

**Testimony**  
**Gary Brumback**  
**Town Manager, Town of Southington**  
**Planning & Development Committee**  
**February 13, 2013**

Thank you for the opportunity to submit comments in support of **HB-5725, An Act Concerning a Statewide Phosphorus Reduction Plan.**

I would also like to commend the committee for initiating and adopting legislation last year that recognizes that a number of municipalities are facing staggering costs associated with the state Department of Energy & Environmental Protection's (DEEP) plan to implement phosphorus reduction standards. Public Act 12-155 has been helpful in moving forward with productive negotiations with DEEP relative to phosphorus discharge limits contained in draft National Pollutant Discharge Elimination System permits.

Currently, DEEP is in the process of implementing a "Phosphorus Reduction Strategy for Inland Non-Tidal Waters" which will impact at least 40 municipalities across Connecticut and cost millions of dollars in plant upgrades to comply: *Southington \$18.5 million; Danbury \$25- 30 million; Wallingford \$19 million; Meriden \$13.5 million; Cheshire \$7.2 million* (to cite only a few).

While we understand, through DEEP, that the overall push for Phosphorus reduction is coming from the US Environmental Protection Agency, particular municipalities are being unfairly burdened with addressing a statewide problem of excessive levels in certain water basins.

**By requiring a collaborative model to be used to develop a statewide phosphorus reduction plan, HB-5725 will build on Public Act 12-155 to help communities address the following issues:**

**Nonpoint Source Pollution**

DEEP has acknowledged that non-point sources are contributors of phosphorous loading in Connecticut rivers and streams although DEEP's efforts have been targeted to NPDES permit holders. Recognizing this, Public Act 12-155 calls for a statewide effort to reduce Phosphorus non-point source pollution, which may help alleviate the overall pressure on municipal water pollution control authorities.

**Science-Based Approach**

Given the significant costs associated with compliance, the state should clearly define the expected improvement in water quality that would be achieved as a result of their proposed significant reductions in phosphorous discharge.

### **Timeframe for Compliance**

Particularly troubling to municipalities are concerns that the phosphorous levels for all permits are to be considered “interim” and that DEEP may impose stricter limits in a subsequent permitting cycle. Moreover, U.S EPA is expected to issue limits for metals and other compounds which may necessitate additional plant upgrades on the heels of upgrades associated with phosphorus and before that nitrogen removal. This piecemeal approach imposes a huge burden on municipalities who are spending millions of dollars to comply with what is a moving target. The timeframe for compliance should therefore provide municipalities with adequate time to plan and finance plant upgrades and determine whether DEEP or EPA may revise limits or add new limits.

### **Cost-Effective Approaches**

The process should also strive to develop recommendations for more cost-effective approaches to achieving compliance with EPA standards. Other states are beginning to achieve significant reductions in phosphorus using less costly approaches.

In addition to the use of a collaborative model which will enable stakeholders to work together to develop a responsible strategy for phosphorus reduction, the Town of Southington urges the committee to include language in the bill to increase the percentage of costs eligible for reimbursement under the Clean Water Fund from 30 to 50%. This would be very helpful in ensuring that our residents don't bear the considerable expense of compliance.

Thank you for the opportunity to comment.